

Hellerstein, A.

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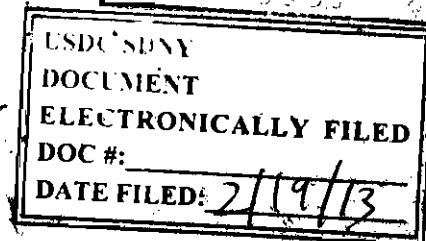
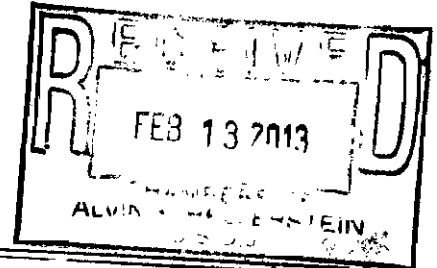
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February 13, 2013

\* ALSO ADMITTED IN NEW YORK  
\* ALSO ADMITTED IN NEVADA  
\* ALSO ADMITTED IN NEW JERSEY

Honorable Alvin K. Hellerstein  
Room 1050  
United States Courthouse  
500 Pearl Street  
New York, NY 10007



Re: Aldo Vera v. The Republic of Cuba, No. 12 Civ. 1596

Dear Judge Hellerstein:

I am one of the counsel for Plaintiff in the above matter and am appearing *pro hac vice*. I write to request that the Court grant an extension to August 31, 2013 of the 90-day time for filing turnover motions against certain banks which have been served with writs of execution in the above matter. This is the first request for an extension of the 90-day period.

Attached is a chart indicating which banks we are requesting the extension for and the dates of delivery to the US Marshal and service by the US Marshal of the writs on these banks. Pursuant to FRCP 69(a), the applicable state court rule is CPLR 5232(a) which provides that a levy by service of a writ of execution on personal property is only valid for 90 days from the service of the writ of execution unless a turnover petition is filed within the 90-day period or the court grants an extension of the levy.

The reason for the requested extension is that each of these banks may be subject to a prior writ of execution in the case of *Hausler v. JP Morgan Chase*, No. 09-10289 (SDNY) (J. Marrero) seeking the same Cuban property as Plaintiff herein is seeking. In *Hausler* there is an appeal pending in the Second Circuit Court of Appeals that affects execution on these banks. Judge Marrero has granted an extension to plaintiff in that case to file a turnover motion by August 5, 2013. We believe it would be burdensome on this Court were Plaintiff herein to file turnover motions against these banks under these circumstances.

However, there are a number of garnishee banks which are not subject to execution in *Hausler*. Plaintiff has already initiated one turnover motion, and expects to file several more

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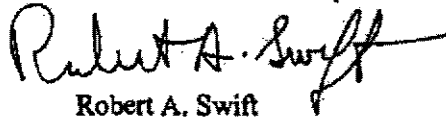
CONTINUATION SHEET NO. 2

HON. ALVIN K. HELLERSTEIN  
FEBRUARY 13, 2013

before the end of February. Naturally, plaintiff will make every effort to amicably resolve any disputes with garnishee banks before filing turnover motions.

Accordingly, I respectfully request that this Court "so order" an extension until August 31, 2013 for Plaintiff to file turnover motions as to the banks listed in the attached chart. Copies of this letter request are being sent this day via e-mail to counsel for the banks or personnel at the banks.

Respectfully yours,




Robert A. Swift

RAS:yr  
Enc.

Cc w/enc. via e-mail: Jeffrey Glen, Esq.  
James Kerr, Esq.  
Leslie Sobel, Esq.  
Hayward Smith, Esq.  
Kelly Nevling, Esq.  
Ms. Pilar Otero  
Ms. Elizabeth Arlow

So Ordered:

  
USDJ  
2/15/13<sup>am</sup>

**SERVICE ON CERTAIN GARNISHEE BANKS**

<b>Garnishee Bank</b>	<b>Date of Delivery of Writ to US Marshal</b>	<b>Date of Service on Bank</b>
Banco Bilbao Vizcaya Argentaria	11-30-12	12-6-12 and 1-25-13
Bank of NY Mellon	11-30-12	12-6-13
UBS	11-30-12	12-6-12
JP Morgan Chase	11-30-12	12-6-12
Bank of America	11-30-12	12-6-12
Citibank	11-30-12	12-6-12
Wells Fargo	12-20-12	1-4-13
HSBC	12-20-12	1-4-13
RBS	12-20-12	1-4-13
Barclays Bank PLC	12-20-12	1-4-13
Royal Bank of Canada	2-7-13	Awaiting Marshal's Return

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